

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:12-CV-587-FDW-DCK**

MARY GENTLESK,)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
JOHN DOE,)	
)	
Defendant.)	
)	

THIS MATTER IS BEFORE THE COURT *sua sponte* regarding the status of this case. On September 12, 2012, *pro se* Plaintiff filed a “Complaint” (Document No. 1) against Defendant John Doe. On November 13, 2012, Plaintiff filed a “Motion For Order Authorizing Early Discovery” (Document No. 2). Magistrate Judge David C. Keesler issued an “Order” (Document No. 3) granting the motion for early discovery on November 16, 2012.

On September 11, 2013, Judge Keesler issued an “Order” (Document No. 4) directing Plaintiff to file a voluntary dismissal, or show cause why this case should not be dismissed. Plaintiff filed a “Response To Order To Show Cause” on September 26, 2013 (Document No. 6) stating that she needed to “request another subpoena that I would like to have prepared by the end of this month.”

On January 6, 2014, noting that there had been no new filings in this case, Judge Keesler issued another “Order” (Document No. 7) directing Plaintiff to voluntarily dismiss, or show cause why this case should not be dismissed. Plaintiff was ordered to show cause “on or before **January 17, 2014,**” but to date has failed to make any filing. (Document No. 7). Moreover, the

undersigned observes that Plaintiff has failed to effect service on Defendant since filing her Complaint on September 12, 2012, as such dismissal is required pursuant to Fed.R.Civ.P. 4(m).

IT IS, THEREFORE, ORDERED that Plaintiff's "Complaint" (Document No. 1) is **DISMISSED WITHOUT PREJUDICE** pursuant to Federal Rule of Civil Procedure 4(m) for failure to properly serve summons and Federal Rule of Civil Procedure 41(b) for failure to prosecute this case. The Clerk of Court is respectfully directed to close this case.

The Clerk of Court is further directed to send a copy of this Order to Plaintiff by certified mail, return receipt requested.

SO ORDERED.

Signed: March 19, 2014

A handwritten signature in black ink, appearing to read "Frank D. Whitney", is written over a horizontal line.

Frank D. Whitney
Chief United States District Judge

